

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

LONNIE BILLARD,

Plaintiff,

v.

CHARLOTTE CATHOLIC HIGH SCHOOL,
MECKLENBURG AREA CATHOLIC
SCHOOLS, and ROMAN CATHOLIC DIO-
CESE OF CHARLOTTE

Defendants.

Civil Action No. 3:17-cv-0011

CONSENT MOTION TO LIFT STAY

Come the parties, through counsel, and move the Court to lift the stay entered in this matter on April 29, 2019 [Doc. 59] and enter the proposed scheduling order for supplemental briefing. In support of the motion, the parties show the Court the following:

1. In this case, Plaintiff alleges that he was terminated from employment, in violation of Title VII, because he announced plans to marry his same-sex partner.

2. There are cross motions for summary judgment pending before the Court. The motions were originally briefed in September and October of 2017. *See* D.E. 26-35. On November 14, 2017, Judge Whitney, who was originally assigned this case, stayed the case pending resolution of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*, 138 S. Ct. 1719 (2018). After *Masterpiece Cakeshop* was decided on June 4, 2018, the parties submitted supplemental briefs. *See* D.E. 45-48. The case was then reassigned to Senior Judge Voorhees on March 13, 2019.

3. On April 29, 2019, the Court again stayed proceedings, on consent motion of the parties, after the Supreme Court granted certiorari in *Bostock v Clayton County*, 723 Fed. Appx. 964 (11th Cir. 2018), cert. granted 139 S. Ct. 1599 (U.S. April 22, 2019) and in *Zarda v. Altitude Express, Inc.*, 883 F.3d 100 (2nd Cir. 2017), cert. granted 139 S. Ct. 1599 (U.S. April 22, 2019), to decide whether discrimination against an employee because of sexual orientation constitutes prohibited employment discrimination “because of . . . sex” within the meaning of Title VII of the Civil Rights Act of 1964.

3. On June 15, 2020, the Supreme Court decided those two cases and another under the lead case name of *Bostock v. Clayton County, GA*, No. 17-1618 (U.S. June 15, 2020).

4. On June 23, 2020, this case was reassigned to this Court by text order.

5. On July 8, 2020, the Supreme Court decided two additional cases which the parties may wish to address: *Our Lady of Guadalupe School v. Morrissey-Berru*, Nos. 19-267 and 19-348; and *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania*, Nos. 19-431 and 19-454.

6. Given the rulings in in these cases, the parties move jointly to lift the stay and propose the following schedule for supplemental briefing on the impact of these decisions on the pending summary judgment motions.

7. The parties propose submitting supplemental briefs by August 7, 2020, not to exceed 20 pages, and propose submitting any reply briefs, not to exceed 5 pages, by August 14, 2020.

WHEREFORE, the parties move the court jointly to lift the stay of these proceedings, to schedule supplemental briefings as proposed, and then to set the matter for hearing on the cross motions for summary judgment.

Respectfully submitted this 15th day of July, 2020.

/s/ S. Luke Largess

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed a copy of forgoing document with the Clerk of Court using the CM/ECF system. All participants in the case are registered CM/ECF users and are hereby served through the CM/ECF system.

Dated: July —, 2020

/s/ S. Luke Largess
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